

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

DIN OGAN SHANGO SMITH,

Plaintiff,

v.

OFFICER MCLEON and OFFICER
DRAZENOVICH,

Defendants.

Case No. 3:23-cv-00245-JMK

ORDER OF DISMISSAL

On October 23, 2023, self-represented litigant, Din Ogan Shango Smith (“Plaintiff”) filed a complaint, civil cover sheet, and an application to waive the filing fee.¹ On October 30, 2023, the Court’s Notice of Electronic Filing (“NEF”) confirming the receipt and filing of Dockets 1–3 in the above-captioned case was returned to the Court as undeliverable.² To date, Plaintiff has not otherwise contacted the Court regarding this case.

As the Court has previously advised, if a plaintiff fails to keep a current address on file with the Court, it may result in a dismissal of the case without further

¹ Dockets 1–3.

² Docket 5.

notice.³ The Court may dismiss an action for failure to comply with a local rule⁴ or failure to comply with any order of the Court.⁵

Before dismissing a complaint for failure to comply with a court order or local rule, courts in the Ninth Circuit must consider five factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.⁶ Though not strictly required, it is "preferred" that a court "make explicit findings in order to show that it has considered these factors."⁷

Having considered these factors, this case must be dismissed. Dismissal without prejudice "minimizes prejudice to a defendant and preserves a plaintiff's ability to seek relief."⁸ The Court finds no other lesser sanction to be satisfactory or effective in this case.⁹

³ See Local Civil Rule 11.1(b) (requiring a notice of change of address to be filed, as "[s]elf-represented parties must keep the court and other parties advised of the party's current address and telephone number.").

⁴ *Thompson v. Housing Auth. of L.A.*, 782 F.2d 829, 831 (9th Cir. 1986).

⁵ Federal Rule of Civil Procedure 41(b). See also *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992).

⁶ See *Ferdik*, 963 F.2d at 1260–61 (first citing *Thompson v. Housing Auth. of L.A.*, 782 F.2d 829, 831 (9th Cir. 1986); and then citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

⁷ *Id.*

⁸ *Alli v. City and County of San Francisco*, 2022 WL 3099222 (N.D. Cal. 2022) (internal citations omitted).

⁹ See, e.g., *Henderson*, 779 F.2d at 1424 (a district court need not exhaust every sanction short of dismissal before finally dismissing a case but must explore possible and meaningful

IT IS THEREFORE ORDERED:

1. This case is **DISMISSED without prejudice**.
2. All pending motions are **DENIED AS MOOT**.
3. The Clerk of Court shall issue a final judgment.

DATED this 20th day of December 2023, at Anchorage, Alaska.

/s/ Joshua M. Kindred
JOSHUA M. KINDRED
UNITED STATES DISTRICT JUDGE

alternatives) (internal citation omitted); *Gleason v. World Sav. Bank, FSB*, 2013 WL 3927799, at *2 (N.D. Cal. 2013) (finding dismissal under Rule 41(b) appropriate where the court previously attempted the lesser sanction of issuing an order to show cause and giving the plaintiff an additional opportunity to re-plead).